**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.169 OF 2007**

Shri Satish Rajaram Patil ...Appellant
Versus
Shri Appasaheb Govind Tate & Anr. ...Respondents

Shri N.V.Bandiwadekar for the Appellant.
Shri P.D.Dalvi for the Respondent No.1.

**CORAM : ABHAY S.OKA, J.**
**DATED : JUNE 20, 2007.**

**P.C.:**

1. Heard Advocates appearing for the parties. By the order impugned in this Appeal From Order, an application made by the Appellant for temporary injunction restraining the first Respondent from creating any third party interests has been rejected. The learned Advocate appearing for the first Respondent has tendered on record an undertaking of the first Respondent. In the said undertaking submitted on oath, the first Respondent has stated that he will not create any third party interests in respect of suit property and he will not part with possession of the suit property. The Advocate for the first Respondent makes a statement that the said undertaking will be operative till the disposal of the suit.

2. The undertaking is marked "X" and is taken on record. The undertaking is accepted. The statement made by the Advocate for the first Respondent is also accepted.

3. In view of the acceptance of undertaking and the

statement made by the Advocate for the first Respondent, it is not necessary to entertain the Appeal as now the Appellant has been sufficiently protected.

4. It is stated that the age of the first Respondent is 78 years. Therefore, the suit deserves to be expedited.

5. Hence, Appeal is disposed of by passing following order:

(i) The undertaking of the first Respondent is accepted. The statement of the Advocate for the first Respondent that the undertaking will remain in force till the disposal of the suit is also accepted.

(ii) In view of the aforesaid, nothing survives in the Appeal and the same is disposed of.

(iii) Hearing of the suit is expedited and the trial Court is directed to decide the suit preferably on or before 31st March, 2008.

(iv) All contentions of the parties in the pending suit are expressly kept open.

(v) No order as to costs.

**JUDGE**